

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aoki, et al.
Confirmation No.: 2108
Serial No.: 10/719,300 Examiner: Kevin M. Nguyen
Filed: November 21, 2003 Group Art Unit: 2629
For: COLLAPSIBLE DISPLAY DEVICE AND METHODS FOR USING THE SAME
Date: May 5, 2008

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection dated January 15, 2008, and the supplemental final rejection dated February 5, 2008, in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

This review is requested for the reason(s) stated on the attached sheet(s). Note: no more than five (5) pages may be provided.

I am the:

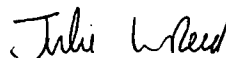
- ☐ applicant/inventor
☐ assignee of record of the entire interest
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed)
☒ attorney or agent of record
☐ attorney or agent acting under 37 CFR 1.34

Total of 2 forms are submitted.

Customer No. 65650

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Julie L. Reed
Reg. No. 35,349

210 SW Morrison Street, Suite 400
Portland, OR 97204
(503) 222-3613

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul Aoki and Allison Woodruff

Confirmation No.: 2108

Serial No.: 10/719,300 Examiner: Kevin M. Nguyen

Filed: November 21, 2003 Group Art Unit: 2629

For: COLLAPSIBLE DISPLAY DEVICE AND METHODS FOR USING THE
SAME

Date: May 5, 2008

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ARGUMENTS IN SUPPORT OF PRE-APPEAL BRIEF CONFERENCE

Claims 1-6, 8-20, 22-25, and 27-28 are pending in the application. This request is in response to a final rejection mailed January 15, 2008, and a supplemental final rejection mailed February 5, 2008, which reset the date of response to May 5, 2008.

There is an outstanding rejection under 35 USC 112 that will be remedied after resolution of the request for pre-appeal conference.

The current final rejection includes 5 different grounds of rejection under 35 USC 103(a) directed to various groups of claims. The DuBois reference, US Patent No. 6,793,460, was cited in four grounds, those applied to claims 1-6 and 8-14; claims 24, 25, 27 and 28; claim 10; and claim 20. The Gomez reference, US Patent No. 5,950,241, was cited in four grounds, those applied to claims 15-19 and 23; claims 24, 25, 27 and 38; claim 10 and claim 20.

1. *The DuBois reference is irrelevant.*

DuBois is directed to fans having a handle that is formed of two spokes that also support the material of the fan when closed, as disclosed in Figure 1 and the discussion at col. 2, line 58 through col. 3, line 8. The fan may include a graphic or text, making the fan usable as a handheld sign, such as might be used by a crossing guard, col. 3, lines 45-62.

The reliance of Dubois results from a reference that the text may be illuminated by lights and LEDs, col. 4, lines 1-2. The office action refers to this as being a ‘fan-shaped display,’ which is an impermissible stretching of the definition of a display. Under *KSR v. Teleflex*, “prior art can be either in the field of the applicant’s endeavor or be *reasonably* pertinent to the particular problem with which the applicant was concerned. [emphasis added]” Applicant acknowledges that prior art may arise in a field of endeavor other than that of the applicant, but hand held fans seem to be impermissibly far from the field of endeavor, pixilated displays.

2. *The Gomez reference is irrelevant.*

The Gomez reference is directed to a gardener’s hat that has a piece that may be allowed to hang from the back of the hat to offer protection from the sun to the wearer’s neck. The hat may also have a brim that is foldable into a smaller circle, such as seen in car window screens and ‘pop-up’ tents, etc. Gomez is characterized as a ‘collapsible display.’ Again, under *KSR*, applicant understands that prior art may arise outside of a field of endeavor, but using a gardener’s hat to obviate a collapsible display made of individual display elements is impermissible.

3. *The combinations of references do not teach the claimed invention.*

Claim 1 requires *at least three collapsible sections, including at least one display section having addressable elements to form an image and display layer components to activate and*

deactivate an addressed display element [the term ‘and’ was objected to under the 35 USC 112 rejection, to be amended to read ‘or.’]. This claim and its dependent claims were rejected under a combination of Chang and DuBois. DuBois teaches a folding hand held sign, and Chang teaches a deformable display that can be squeezed, folded or twisted. DuBois’s irrelevancy has been discussed above. There is no mention of the nature of the display in Chang, just that it may control or be an LCD display. There is no mention of the ‘display layer components.’

Claims 15 and 23 have similar limitations. These claims were rejected under a combination of Gomez and Chang. The rejection relies upon Gomez as having a flexible display membrane, being the flap that dangles from the back of the gardener’s hat. Further Gomez does not teach a flexible display having *addressable display elements*. Again, while one may assume that the display of Chang does teach such a thing, it is an assumption and there is no disclosure in Chang as the display layer components.

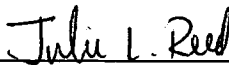
The combinations of references in the various grounds of rejection do not teach the claimed invention.

It is therefore submitted that all of the claims are patentably distinguishable over the prior art and allowance of these claims is requested. The Applicant also asserts all arguments made previously, whether or not explicitly discussed herein, to preserve the right to assert these arguments in the Appeal Brief.

Customer No. 65650

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Julie L. Reed
Reg. No. 35,349

210 SW Morrison St., Suite 400
Portland, OR 97204
503-222-3613